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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,434	10/14/2003	Ma-Li Wang	LA-7496-101.US	6857

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FULBRIGHT AND JAWORSKI L L P
PATENT DOCKETING 29TH FLOOR
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EXAMINER

PASSANITI, SEBASTIANO

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/686,434	Applicant(s) WANG, MA-LI	
	Examiner Sebastiano Passaniti	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/14/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is responsive to communication received 10/14/2003 – application papers filed; Priority papers received, IDS.

Claims 1-10 are pending.

Following is an action on the MERITS:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 5, 7, 8, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Phelan. As to claim 1, Phelan includes a top and bottom along with a striking portion and at least one indicative means (line 38a) for alignment. As to claim 3, note the alignment of the ball and the scribe line, as shown in Figure 3. As to claim 4, the scribe line (38a) is lined up parallel with the intended stroke path. As to claim 5, here again, the scribe line is the indicative means. As to claim 7, at least one line is shown. As to claim 8, the line (38a) forms a pattern, the pattern being straight. As to claim 9, Figure 1, 4, 5 and 6 show at least three faces. In Figures 3 and 5, one can see that the opening in the head accommodates a golf ball.

Art Unit: 3711

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bandiero in view of Jazdzyk, Taylor and Condon. The patent to Bandiero differs from the claimed invention in that Bandiero lacks indicative means in the form of at least one line, two parallel lines, or a pattern. The teaching references to Jazdzyk, Taylor and Condon each show it to be old in the art to provide plural, spaced parallel lines to help a golfer align the putter with a golf ball at address. See Figure 1 in Taylor. Note lines (16) in Condon. Observe lines (82) in Jazdzyk. In view of the teachings to Jazdzyk, Taylor and Condon, it would have been obvious to modify the device in the cited art reference to Bandiero by including indicative means on the top surface for accentuating the alignment characteristics of the putter head. For example, it would have been obvious to have painted or otherwise have provided indicia on the upper surface (60) or on each of the depending legs (70, 72) in Bandiero. As for the remaining limitations in the claims, and with respect to claims 1, 2, 9 and 10, note that Bandiero is a D-style putter, as defined by the applicant. Note col. 8, lines 48-65, wherein Bandiero details that an accurate putt will result in the golf ball contacting the rear wall, while an inaccurate putt will send a struck golf ball towards one of the left or right side walls of the head. Applicant's attention is further directed to Figure 2, showing an arrangement in which the golf ball is intended to enter the cavity provided by the top of the head, the rear wall and the sidewalls.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Costello ('820) and Costello ('766) show golf appliances that may


Art Unit: 3711

trap golf balls. See Figure 3 in Koumarianos. See Figure 2 in Csernits. Note Figure 5 in Mills. See Figure 5 in Becker. Note Figure 2 in Kepler. Observe Figure 5 in Maxwell.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Mon-Fri (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sebastiano Passaniti
Primary Examiner
Art Unit 3711

S.Passaniti/sp
April 29, 2005